

SLR:LM:EKN  
F.#2001z01253

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

CARMINE AGNELLO et al.,  
Defendants.

- - - - -X

WHEREAS, on August 16, 2001, Carmine Agnello ("Agnello") and others entered a plea of guilty to Count One of the above-captioned superseding indictment, alleging violations of RICO and conspiracy in violation of 18 U.S.C. § 1962;

WHEREAS, on September 7, 2001, the Court, with the consent of Agnello, entered a Consent Order of Forfeiture that, among other things, imposed a forfeiture money judgment (the "Forfeiture Judgment") against Agnello in the amount of ten million dollars (\$10,000,000) in United States currency to the United States;

WHEREAS, pursuant to the judgment imposed against him, Carmine Agnello was sentenced, among other things, to pay restitution in the amount of \$950,000, plus interest, to the following victims: Hugo Neu Schnitzer East ("HNSE") (\$701,662.70;

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ MAY 22 2012 ★  
BROOKLYN OFFICE

ORDER

00 Cr. 205 (NG) (RML)

New York City Police Department (\$99,438.82); and Sanita & Co. (\$148,899.16);

WHEREAS, the Consent Order of Forfeiture further provided that the United States could take into its possession and custody certain substitute assets (the "Substitute Assets") belonging to Agnello for the purpose of satisfying the Forfeiture Judgment in the event Agnello failed to pay the Forfeiture Judgment in full by August 15, 2003;

WHEREAS, Agnello failed to pay Forfeiture Judgment by August 15, 2003, and the United States subsequently instituted proceedings for the forfeiture and sale of the Substitute Assets;

WHEREAS, as part of a settlement with various claimants to the Substitute Assets, the United States obtained the rights to surplus monies from several foreclosure actions pending in the New York State Supreme Court for the County of Queens;

WHEREAS, the United States has received \$821,398.06 from one of the foreclosure actions, which was disbursed to the Clerk of Court of the Eastern District of New York by check from the New York City Department of Finance on December 28, 2011;

WHEREAS, as of March 27, 2012 the Clerk of Court has distributed all restitution and interest owed HNSE and the New York City Police Department, from the sum received from the New York City Department of Finance, together with other sums in this matter on deposit with the Clerk of Court;

WHEREAS, the Clerk of Court is holding on deposit \$169,484.80, that is the full amount of the restitution plus interest owed to Sanita & Co.;

WHEREAS, the United States requested, by letter dated March 27, 2012, that the funds owed to Sanita & Co., instead be distributed to Warren T. Gregory because Sanita & Co., is defunct and Warren T. Gregory is the former sole owner of the entity;

WHEREAS, the balance remaining on deposit with the Clerk of the Court, separate and apart from the amount of \$169,484.80 which is owed to Sanita & Co. for restitution, is \$811,533.63;

WHEREAS, the outstanding Forfeiture Judgment exceeds the sum of \$811,533.63;

WHEREAS, the United States has moved to have the surplus funds totaling \$811,533.63 disbursed for application towards the outstanding Forfeiture Judgment;

It is hereby ORDERED, ADJUDGED and DECREED that within seven days of the date that this order is entered on the docket sheet, the Clerk of Court for the United States District Court shall disburse the sum of \$811,533.63, as held in the account for the above-captioned matter, by check to the order of "The United States Marshals Service" forthwith; AND

It is further ORDERED, ADJUDGED and DECREED that, within seven days of the date that this order is entered on the

docket sheet, the Clerk of Court for the United States District Court shall issue a check in the amount of \$169,484.80 to Warren T. Gregory, whose contact information will be provided to the Clerk by the United States Attorney's Office.

Dated: Brooklyn, New York  
May 21, 2012

s/NG

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HONORABLE NINA GERSHON  
UNITED STATES DISTRICT JUDGE